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10/029,149	12/28/2001	Robert A. Koch	BS01-082	5206

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EXAMINER

CHEA, PHILIP J

ART UNIT PAPER NUMBER

2153

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,149

Applicant(s)

KOCH ET AL.

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/11/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claims 1-20 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/11/03 was filed after the mailing date on 4/11/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 10-12 are objected to because of the following informalities: claims 10-12 read "wherein bulletin board display the communications center", should claims instead read "wherein bulletin board display on the communications center"?

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,7-17,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Achacoso et al. (US 6,161,149).

As per claim 1, Achacoso et al. disclose an electronic messaging system, as claimed, comprising an application server configured to receive and process a remote message manipulation instruction from a remote user, said instruction comprising a sender address, a recipient address and a content (see column 5, lines 60-66, where sender address, a recipient address and a content are considered discussion content e-mailed to participants), wherein said application server looks up at least one of the

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sender address or the recipient address in a customer database (see column 5, lines 60-66, where the look up is implied by knowing the participants of the discussion); and wherein said application server updates a bulletin board display on a communications center according to the sender address, the recipient address and the content by sending a message to a client gateway in communication with said communications center (see columns 5 and 6, lines 66-67 and 1-10, where update is implied with the notification of what is new by a hyperlink to the discussion).

As per claim 2, Achacoso et al. further disclose a retrieval command and wherein, in response to the instruction, the application server instructs the communications center to send a copy of any data displayed thereon to the sender address (see column 6, lines 41-55).

As per claim 3, Achacoso et al. further disclose a retrieval command and wherein, in response to the instruction, the application server instructs the communications center to send a subset of any data displayed thereon to the sender address (see column 6, lines 41-55, where subset is considered the summary of recent activity).

As per claim 7, Achacoso et al. further disclose that the content of the instruction includes an audio clip (see column 7, lines 9-20, where content of instruction is considered a sender posting a reply).

As per claim 8, Achacoso et al. further disclose that the content of the instruction includes a video clip (see column 7, lines 9-20).

As per claim 9, Achacoso et al. further disclose that the content of the instruction includes an audio clip and a video clip (see column 7, lines 9-20).

As per claim 10, Achacoso et al. further disclose that the bulletin board display on the communications center includes audio clips (see column 7, lines 9-20, where communications center is considered the central database).

As per claim 11, Achacoso et al. further disclose that the bulletin board display on the communications center includes video clips (see column 7, lines 9-20).

As per claim 12, Achacoso et al. further disclose that the bulletin board display on the communications center includes audio clips and video clips (see column 7, lines 9-20).

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As per claim 13, Achacoso et al. disclose a method of providing a remote access to a shared always-on electronic messaging system, said method, as claimed, comprising:

- creating a customer database in communication with an application server (see column 8, lines 41-44, where application server is considered the intelligent agent);
- receiving a remote message manipulation instruction from a remote user, said instruction comprising a sender address, a recipient address and a content (see column 5, lines 60-66, where sender address, a recipient address and a content are considered discussion content e-mailed to participants);
- looking up at least one of the sender address and the recipient address in the customer database (see column 5, lines 60-66, where the look up is implied by knowing the participants of the discussion);
- causing the shared always-on electronic messaging system to display a message according to the sender address, the recipient address and the content by sending an instruction to a client gateway in communication with said electronic messaging system (see columns 5 and 6, lines 66-67 and 1-10, where update is implied with the notification of what is new by a hyperlink to the discussion).

As per claim 14, Achacoso et al. further disclose that remote manipulation instruction further comprises a retrieval command (see column 6, lines 41-55).

As per claim 15, Achacoso et al. further disclose instructing the communications center to send data to the sender address (see column 6, lines 41-55).

As per claim 16, Achacoso et al. disclose a computer readable medium containing instructions that when executed by a computer perform actions, as claimed, comprising:

- displaying a user interface having an area containing multiple messages, with each message having one or more user options to manipulate the message, wherein a plurality of the messages are displayed with an identity of a sender of the message and an identity of an addressee of the message, and wherein at least a first message is from a

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first sender and to a first addressee while at least a second message is from a second sender and to a second addressee (see columns 6 and 7, lines 56-67 and 1-32);

- receiving a selection of one of the user options by a user (see column 7, lines 9-20, where the selection of the user option is the recipient replying to the sender).
- manipulating the message in accordance with the option selected (see column 7, lines 9-20).

As per claim 17, Achacoso et al. further disclose receiving the messages from an application server through a network (see column 7, lines 9-20, where the application server is considered the agent [35]).

As per claim 19, Achacoso et al. further disclose that the content of each one of the messages includes at least one of a textual message, an audio clip, and a video clip (see column 7, lines 9-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achacoso et al. as applied to claims 1 and 16 above, and further in view of Madsen et al. (US 6,151,620).

As per claim 4, although the system disclosed by Achacoso et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that the application server is further configured to store a copy of data displayed on the communications center.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Achacoso et al., as evidenced by Madsen et al.

In an analogous art, Madsen et al. disclose a messaging system where users are able to communicate by sending a message with sender address, recipient address and content, where

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messages are kept in a remote location (see column 6, lines 26-54); further disclosing saving a copy of data displayed at a communications center (see column 7, lines 45-55).

Given the teaching of Madsen et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Achacoso et al. by saving a copy of the message at another location, such as disclosed by Madsen et al., in order to have multiple records of messages incase data is lost at the main storage location.

As per claim 5, Achacoso et al. further disclose a retrieval command sending data to the sender address (see column 6, lines 41-55). In addition as discussed above, given Madsen et al. suggestion of multiple records of messages, it would have been obvious to retrieve the copy of data from the application server.

As per claim 5, Achacoso et al. further disclose a retrieval command sending a subset of data to the sender address (see column 6, lines 41-55, where subset is considered the summary of recent activity). In addition as discussed above, given Madsen et al. suggestion of multiple records of messages, it would have been obvious to retrieve the copy of the subset of data from the application server.

As per claim 20, although the system disclosed by Achacoso et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that one or more user options of one message of the plurality vary from user options of a different message of the plurality.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Achacoso et al., as evidenced by Madsen et al.

In an analogous art, Madsen et al. disclose a messaging system where users are able to communicate by sending a message with sender address, recipient address and content, where messages are kept in a remote location (see column 6, lines 26-54); further disclosing having different permission settings for users allowing them to manipulate messages depending on their permission (see column 6, lines 11-18).

Given the teaching of Madsen et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Achacoso et al. by adding permission settings,

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such as disclosed by Madsen et al., in order to allow only authorized users to access or manipulate certain messages.

7. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Achacoso et al. as applied to claim 16 above, and further in view of Official Notice.

Although the system disclosed by Achacoso et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that one or more messages are displayed without an identity of a sender and an addressee.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Achacoso et al., as evidenced by Official Notice.

It is well known in the art that bulletin boards allow users to post anonymously to the entire group without giving the identity of the user or a specific addressee.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Achacoso et al. by employing anonymous posting, such as well known in the art, in order to post a question to the entire board of users while maintaining the privacy of the user.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gage; Bruce et al.	US 5923846 A
Baldwin; Michael Scott et al.	US 5941946 A
Teibel; Dan A. et al.	US 6363427 B1
Mansikkaniemi, Tapio et al.	US 20020065881 A1
Maurille; Mithras C.	US 6484196 B1
Hanson; Mike et al.	US 6505233 B1

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 2/2/05



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